



2834

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: NADEAU

Examiner: Tamai, K.

Application No.: 09/933,204

Group Art Unit: 2834

Filed: August 20, 2001

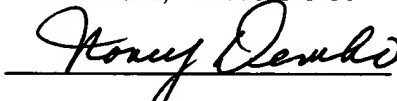
Docket: 2001 P 15260 US

For: Engine Cooling Module With Dual
Vibration Isolating Structure (As Amended)

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited
with the United States Postal Service on 12/11/03 as first
class mail, postpaid in an envelope, addressed to the:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Nancy Demko

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Sir:

In response to the Official Action dated November 26, 2003, please consider the
following Remarks:

REMARKS

Reconsideration and allowance are respectfully requested. Claims 1-18 remain pending.

Claims 1-18 stand rejected under 35 U.S.C 103(a) as being unpatentable over Fieni (U.S. 3795274) in view of Wendt et al. This rejection is respectfully traversed. It is noted that during a telephone call with the Examiner, the Examiner indicated that the listing of Fieni as Patent Number 3795275 was in error. Accordingly, applicant requests that U.S. Patent to Bohn (3,795,275) be lined-through in the “Notice of References Cited” since it is not applicable to this application and was cited in error.

The Examiner cites Fieni as teaching a fan motor with a housing 310 secured to a bracket 312 and a shroud 312e. The Examiner states that Fieni does not teach the second resilient mounting on the motor to the supporting structure shroud. The Examiner then cites Wendt as teaching a fan motor having two resilient mounts: first mounts 66 between the motor and a bracket 32 and second mounts 66 between the bracket 32 and fasteners 58. Finally, the Examiner contends that it would have been obvious to “construct the motor of Fieni with a second resilient member at the motor mounting and the shroud...”

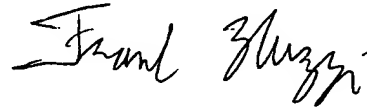
The Examiner states that Fieni doesn’t show the second decoupling structure, but the Examiner never indicated where Fieni teaches the first, resilient decoupling structure mounting the motor to the shroud in a manner to isolate vibration between the motor and the shroud as claimed. In fact, Fieni uses no decoupling. The motor 310 is mounted to the bracket 312 via screws 310c. There is no decoupling at this connection. Further, in Fieni, the shroud 312e is coupled to a member 318 via a bolt 319 to clamp the shroud to a radiator (considered to be the claimed shroud mounting structure fixed within an engine compartment of a vehicle).

It is submitted that it would be improper to modify Fieni in the manner suggested by the Examiner by providing decoupling structure at the mounting of the shroud 312e with the radiator (via clamping by bolt 319) since this would destroy the invention of Fieni. Fieni teaches that ribs 313a and 318c of the shroud are clamped in a notches 317 and 320 in the fins of the radiator to hold the heat exchanger core (radiator) rigidly

fast to the supporting member (shroud) through the fins (see claim 1 of Fieni). Thus, Fieni requires a rigid connection between the shroud and radiator and modifying this connection to include decoupling structure, as suggested by the Examiner, would destroy the invention of Fieni and would therefore be improper. See Ex parte Hartman, 186 U.S.P.Q. 336, 337 (P.T.O.B.O.A. 1974) (reversing rejection when modification would destroy basis for invention in one or two references). Therefore, the rejection should be withdrawn.

All rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Frank J. Nuzzi".

Frank J. Nuzzi
Registration No. 42,944
Attorney for Applicant

SIEMENS CORPORATION
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830
Tel. No. (732) 321-3002